IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 6993 of 2007(G)

PETITIONER:

JANAKI AMMA, D/O.KUNCHIAMMA,
VILAKKATHAL HOUSE, CHIRANELLORE VILLAGE,
THALAPPILLY TALUK.

BY ADV. SRI.P.VIJAYA BHANU,
ADV. SRI.M.GEORGE THOMAS.

RESPONDENTS:
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1. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.**
2. **THE ASSISTANT REGISTRAR/ARBITRATOR CUM SPECIAL SALE OFFICER, DISTRICT CO-OPERATIVE BANK, THRISSUR.**
3. **THE THRISSUR DISTRICT CO-OPERATIVE BANK, REPRESENTED BY ITS SECRETARY.**
4. **THE JOINT REGISTRAR, THRISSUR DISTRICT CO-OPERATIVE BANK, THRISSUR.**
5. **GOPI, S/O.MADHAVAN NAIR, VIJAYA MANDIRAM, AALOOR, VELLARAKKAD, THRISSUR.**

R1, R2 & R4 BY SR. GOVT. PLEADER SMT. ANU SIVARAMAN,
R5 BY ADV. SRI.C.A.CHACKO,
R3 BY SRI.V.G.ARUN,SC,THRISSUR DIST.CO-OP BANK,
ADV. SRI.T.R.HARIKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REPRESENTATION DTD. 14/12/2005 PREFERRED BY THE PETITIONER BEFORE THE R.4.

EXT.P.2: COPY OF THE AFFIDAVIT AND PETITION FILED UNDER RULE 83 OF THE CO-OPERATIVE SOCIETY RULES BEFORE THE R.2. DTD. 07/12/2005.

EXT.P.3: COPY OF THE JUDGMENT IN W.P.(C). NO. 1582/06 DTD. 01/03/2006 OF THIS HONOURABLE COURT.

EXT.P.4: COPY OF THE ORDER NO. AEL/3113/06 DTD. 22/01/2007 OF THE R.4.

RESPONDENT'S EXHIBITS: **NIL.**

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.6993 of 2007-G

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Dated this the 10th day of December, 2007.

JUDGMENT

1.The petitioner challenges execution proceedings in the course of recovery following an arbitration award. Following the interim order dated 2-3-2007, the petitioner has deposited an amount of Rs.15,000/-. The total remaining outstandings would be around Rs.50,000/-, including accruals etc.

2.I have heard the learned counsel for parties.

3.The recovery proceedings are sustainable on legal grounds and on the basis of the award that has been passed in accordance with law. Therefore, I do not find any jurisdictional error or legal

infirmity in the impugned action.

4.The confirmation of the sale stands stayed as per the interim order. Having regard to the totality of the facts and circumstances, it is directed that if the petitioner remits the entire remaining outstandings, including accruals in four equal monthly instalments payable on or before the last working day of every month commencing from December, 2007, the confirmation of sale shall stand set aside and the documents will be released on such satisfaction of the arbitration award. If the amounts are remitted as directed above, the Bank will convey the property to the petitioner at his expenses. If there is default in remitting any of the instalments as aforesaid, the benefits of this judgment shall stand recalled automatically and the respondents will be at liberty to follow up the sale proceedings, without further notice to the petitioner.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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